

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3061

By: McDugle

AS INTRODUCED

An Act relating to medical marijuana; amending Section 6, State Question No. 788, Initiative Petition No. 412, as amended by Section 3, Chapter 509, O.S.L. 2019 (63 O.S. Supp. 2019, Section 425), which relates to medical marijuana license holder protections; prohibiting counties from unduly changing or restricting zoning laws that prevent the establishment of medical marijuana businesses; permitting establishment of medical marijuana grow operations in certain zones; placing restrictions on counties when considering variances and modifications to districts; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 6, State Question No. 788, Initiative Petition No. 412, as amended by Section 3, Chapter 509, O.S.L. 2019 (63 O.S. Supp. 2019, Section 425), is amended to read as follows:

Section 425. A. No school or landlord may refuse to enroll or lease to and may not otherwise penalize a person solely for his or her status as a medical marijuana license holder, unless failing to do so would cause the school or landlord the potential to lose a

1 monetary or licensing-related benefit under federal law or  
2 regulations.

3 B. Unless a failure to do so would cause an employer the  
4 potential to lose a monetary or licensing-related benefit under  
5 federal law or regulations, an employer may not discriminate against  
6 a person in hiring, termination or imposing any term or condition of  
7 employment or otherwise penalize a person based upon ~~either:~~

8 ~~1. The~~ the status of the person as a medical marijuana license  
9 holder; ~~or.~~

10 ~~2.~~ Employers may take action against a holder of a medical  
11 marijuana license if the holder uses or possesses marijuana while in  
12 his or her place of employment or during the hours of employment.  
13 Employers may not take action against the holder of a medical  
14 marijuana license solely based upon the status of an employee as a  
15 medical marijuana license holder or the results of a drug test  
16 showing positive for marijuana or its components.

17 C. For the purposes of medical care, including organ  
18 transplants, the authorized use of marijuana by a medical marijuana  
19 license holder shall be considered the equivalent of the use of any  
20 other medication under the direction of a physician and does not  
21 constitute the use of an illicit substance or otherwise disqualify a  
22 registered qualifying patient from medical care.

23 D. No medical marijuana license holder may be denied custody of  
24 or visitation or parenting time with a minor, and there is no

1 presumption of neglect or child endangerment for conduct allowed  
2 under this law, unless the behavior of the person creates an  
3 unreasonable danger to the safety of the minor.

4 E. No person holding a medical marijuana license may unduly be  
5 withheld from holding a state-issued license by virtue of their  
6 being a medical marijuana license holder including, but not limited  
7 to, a concealed carry permit.

8 F. 1. No county, city or local municipality may unduly change  
9 or restrict zoning laws to prevent the opening of a retail marijuana  
10 establishment or medical marijuana business, as such term is defined  
11 in Section 427.2 of this title.

12 2. For purposes of this subsection, an undue change or  
13 restriction of county or municipal zoning laws means an act which  
14 entirely prevents retail marijuana establishments or medical  
15 marijuana businesses from operating within county or municipal  
16 boundaries as a matter of law. ~~Municipalities~~ Counties and  
17 municipalities may follow their standard planning and zoning  
18 procedures to determine if certain zones or districts would be  
19 appropriate for locating marijuana-licensed premises, medical  
20 marijuana businesses or any other premises where marijuana or its  
21 by-products are cultivated, grown, processed, stored or  
22 manufactured.

23 3. For purposes of this section, "retail marijuana  
24 establishment" means an entity licensed by the State Department of

1 Health as a medical marijuana dispensary. Retail marijuana  
2 establishment does not include those other entities licensed by the  
3 Department as marijuana-licensed premises, medical marijuana  
4 businesses or other facilities or locations where marijuana or any  
5 product containing marijuana or its by-products are cultivated,  
6 grown, processed, stored or manufactured.

7 4. The location of a medical marijuana commercial grow  
8 operation shall be permitted in any area of a county that is zoned  
9 for either industrial or agricultural use. A county shall not  
10 require a medical marijuana commercial grow operation to obtain a  
11 variance or modification to a zone or district different than that  
12 which is required for commercial grow operations of similar size and  
13 use in the same zone or district. The county shall not deny the  
14 application of a variance or modification to a zone or district  
15 without utilizing the usual and customary administrative process for  
16 requesting a variance or modification.

17 G. The location of any retail marijuana establishment is  
18 specifically prohibited within one thousand (1,000) feet of any  
19 public or private school entrance.

20 H. Research shall be provided for under this law. A researcher  
21 may apply to the State Department of Health for a special research  
22 license. The license shall be granted, provided the applicant meets  
23 the criteria listed under subsection B of Section 421 of this title.  
24 Research license holders shall be required to file monthly

1 consumption reports to the State Department of Health with amounts  
2 of marijuana used for research.

3 SECTION 2. This act shall become effective November 1, 2020.

4

5 57-2-9326 GRS 01/03/20

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24